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OFFICE OF PETITIONS

In re Application of :
Domenic F. Terranova et al : DECISION GRANTING
Application No. 10/004,989 : PETITION
Filed: December 3, 2001 :
Attorney Docket No. 3058.1008-004 :

This is a decision on the petition filed April 26, 2002, requesting that the above-identified application be accorded a filing date of December 3, 2001, rather than the presently accorded filing date of December 4, 2001. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **granted**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 3, 2001, pursuant to the requirements of 37 CFR 1.10. In support, applicant provides a copy of the receipt for Express Mail label No. EL930599477US. The same Express Mail number was referred to in the original transmittal letter found in the present application. It is noted that while the "date-in" on the copy of the Express Mail receipt is December 4, 2001, it includes a "Boston Massachusetts USPS" receipt stamp dated December 3, 2001. Additionally, a copy of the mail courier's Express Mail Log for December 3, 2001, was provided.

In view of the evidence in the file, it is concluded that the application was deposited in Express Mail service on December 3, 2001. Accordingly, the instant application is entitled to a filing date of December 3, 2001 and has been so accorded. A filing receipt with the corrected filing date will be mailed in due course.

This application is being forwarded to the Office of Initial Patent Examination Division for further processing with a **filing date of December 3, 2001**, and for mailing of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (703) 305-8859.


Brian Hearn

Senior Petitions Examiner
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for Patent Examination Policy